

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS RAMIREZ,

Defendant.

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Criminal Action No.
12-00379-01-CR-W-HFS

ORDER

Defendant seeks suppression of wiretap results (Doc. 212) based on incorrect documentation of approval of the applications. In both instances complained of the District Court order fails to specify the official who approved the wiretaps. The application forms, however, submitted to the judge did contain signed and identified authorization from appropriate officials of the Department of Justice.

Having reviewed the record and the report and recommendation (Doc. 263) I will adopt the report and recommendation and deny the motion to suppress, for reasons stated by the Magistrate Judge.

Although a statutory requirement of specifying the official in the order was not followed, the violation was not fatal, but was merely a technical violation, as determined by the appellate courts. The closest authority cited by Judge Maughmer, United States v. Radcliff, 331 F.3d 1153 (10th Cir. 2003) and United States v. Fudge, 325 F.3d 910 (7th Cir 2003), is not dealt with in defendant's objections (Doc. 274). No contrary authority has been found. Essentially defendant argues that any slight departure from the procedures required by statute is fatal to wiretap authorization. The contention has been ruled unsound by the appellate courts.

The motion to suppress (Doc. 212) is therefore DENIED.

____/s/ Howard F. Sachs_____
Howard F. Sachs
United States District Court Judge

February _18_, 2015
Kansas City, Missouri